

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

SILICONINDIA, INC.,

Plaintiff,

v.

CIO STORY, LLC,

Defendant.

Case No. 15-cv-01516 NC

**ORDER REQUESTING
ADDITIONAL BRIEFING IN
SUPPORT OF STIPULATION FOR
PERMANENT INJUNCTION; AND
CONTINUING CASE
MANAGEMENT CONFERENCE TO
SEPTEMBER 23, 2015**

Dkt. No. 63

The Court requests additional briefing in support of the Stipulation for Order of Permanent Injunction filed September 1, 2015. Dkt. No. 63. Responses to these requests are required by September 11, 2015. The case management conference and hearing scheduled for September 9 is continued to September 23, 2015, 1:00 p.m. in San Jose Courtroom 7, in light of the notice of conditional settlement.

- Is Paragraph (c) legal and enforceable? Under that provision, the parties agree that CIO STORY will “immediately withdraw from any solicitation” of a prospective customer if it learns that the prospective customer is already a customer of SILICONINDIA, INC. or of CIO Review. However, under the Sherman Act, 15 U.S.C. § 1, every “contract . . . or conspiracy, in restraint of trade or commerce . . . is

1 declared to be illegal.” Moreover, every person who shall make any contract or
2 engage in any combination or conspiracy declared to be illegal shall be deemed
3 guilty of a felony, punishable with substantial fines and imprisonment.

- 4 • Does defendant consent to the plaintiff’s motion to amend the complaint, Dkt. No.
5 43? If not, then what supports the proposed finding (no. 3) that plaintiff’s complaint
6 states a claim or a series of claims? The Court dismissed the only operative claims at
7 Dkt. No. 32.
- 8 • Describe the “public interest” (no. 6) served by the proposed permanent injunction.
- 9 • Identify the “Managing Member” who signed the Stipulation on behalf of CIO Story.

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11 IT IS SO ORDERED.

12 Date: September 2, 2015



13 Nathanael M. Cousins
14 United States Magistrate Judge
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